

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FEDERATION OF STATE MASSAGE
THERAPY BOARDS,

Garnishor,

V.

JP MORGAN CHASE BANK, N.A. AND
CATHAY BANK,

Garnishees,

TESLA MENDEZ (f/k/a YI LING “ELAINE” MENDEZ) AND JORGE MENDEZ,

Judgment-Debtors.

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Civil Action No. _____

[Related Case: 4:17-cv-02936]

APPLICATION FOR WRIT OF GARNISHMENT

Plaintiff Federation of State Massage Therapy Boards (“Federation”) hereby files this Application for Writ of Garnishment (“Application”) as follows:

1. Plaintiff Federation of State Massage Therapy Boards (the “Federation”) is a non-profit 501(c)(3) corporation organized and existing under the laws of the State of Illinois with its principal place of business at 10801 Mastin Boulevard, Suite 350, Overland Park, KS 66210.

2. J.P. Morgan Chase Bank, N.A. is a New York banking financial institution authorized to conduct business in Texas. J.P. Morgan Chase Bank, N.A. may be served in Texas through its registered agent, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

3. Cathay Bank (collectively with Chase Bank, “Garnishees”) is a California banking financial institution authorized to conduct business in Texas. Cathay Bank may be served in Texas through its registered agent, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, TX 75201.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332 because there is complete diversity among the parties, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. On October 26, 2020, in the cause styled *Federation of State Massage Therapy Boards v. Mendez Master Training Center, Inc., et al.*, Civil Action No. 4:17-cv-02936, in the Southern District of Texas, judgment was rendered in favor of Federation of State Massage Therapy Board against Tesla Mendez and Jorge Mendez (“Judgment-Debtors”).¹ Judgment was for the sum of \$450,000.00. The rate of post-judgment interest specified in the judgment is 0.15% computed daily and compounded annually, from and after the date of the judgment. Post-judgment interest calculated as of the date of this Application is \$586.23. The total amount now due and owing is \$450,586.23. This judgment is in all things final, valid, and subsisting, and it is wholly unsatisfied.

6. The last known address for Tesla Mendez is 9788 Clarewood Drive, Suite 109, Houston, TX 77036.

7. The last known address for Jorge Mendez is 1030 Magnolia Ave., Gardena, CA 90247.

8. Within the Federation’s knowledge, the Judgment-Debtors, Tesla Mendez and Jorge Mendez, do not possess sufficient non-exempt property in Texas subject to execution to satisfy the above-described judgment.

9. The Federation has reason to believe, and does believe, that Garnishee J.P. Morgan Chase Bank, N.A. located in San Antonio, Texas has funds belonging to Judgment-Debtor,

¹ A true and correct copy of the Court’s final judgment is attached hereto as Exhibit A.

including funds or effects contained in any and all bank accounts for Tesla Mendez and/or Jorge Mendez.

10. The Federation has reason to believe, and does believe, that Garnishee Cathay Bank located in Houston, Texas has funds belonging to Judgment-Debtor, including funds or effects contained in any and all bank accounts for Tesla Mendez and/or Jorge Mendez.

11. This garnishment is not sought to injure.

12. This Application is supported by the Affidavit of Kathrine Zinecker, attorney for the Federation, who is authorized to act on their behalf in the above-referenced cause.²

WHEREFORE, the Federation requests that a writ of garnishment be issued, and that the Federation have judgment against Garnishees to satisfy the prior judgment as provided by law, together with its reasonable attorneys' fees and all costs of court, and such other and further relief to which the Federation may be entitled.

² A true and correct copy of the Affidavit of Kathrine Zinecker is attached hereto as Exhibit B.

Dated: September 8, 2021

Respectfully submitted,

/s/ Alexander D. Burch

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